

Exhibit 1

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF NEW YORK

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 4 MOOG INC.,) 22-CV-187
 Plaintiff)
 5 vs.

6 SKYRYSE, INC., et al) Buffalo, New York
 Defendant.) August 4, 2022
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DISCOVERY HEARING

Proceeding held via Zoom for Government Platform

All parties appeared remotely.

Transcribed from audio of Zoom for Government Platform

10 TRANSCRIPT OF PROCEEDINGS
 11 BEFORE THE HONORABLE JEREMIAH J. MCCARTHY
 UNITED STATES MAGISTRATE JUDGE

12 FOR PLAINTIFF: SHEPPHARD MULLIN RICHETER & HAMPTON, LLP
 13 BY: RENA ANDOH, ESQ.
 LAI YIP, ESQ.
 14 KAZIM A. NAQVI, ESQ.
 TRAVIS ANDERSON, ESQ.

15 -and-

HODGSON RUSS, LLP
 16 BY: ROBERT J. FLUSKEY, JR, ESQ.
 PAULINE MUTO, ESQ.

17 FOR DEFENDANT: LATHAM & WATKINS, LLP
 18 BY: DOUGLAS E. LUMISH, ESQ.
 GABRIEL S. GROSS, ESQ.
 19 KELLEY STOREY, ESQ.
 CASSANDRA M. BALOGA, ESQ.
 20 JULIANNE CATHERINE OSBORNE, ESQ.
 RYAN T. BANKS, ESQ.
 21 JOSEPH LEE, ESQ.
 ARMAN ZAHOORY, ESQ.

22 FOR DEFENDANT

23 PILKINGTON/KIM: WINGET, SPADAFORA & SCHWARTZBERG, LLP
 BY: ALEXANDER ASHER TRUITT, ESQ.
 24 ANTHONY D. GREEN, ESQ.
 ANNABEL MIRALES, ESQ.

25 **COURT REPORTER: Karen J. Clark, Official Court Reporter**
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1 MOOG, INC. VS. SYRYSE, INC, ET AL

2 well, let me ask a preliminary question first. Skyryse
3 is in California, correct?

4 MR. GROSS: Yes, your Honor, (inaudible)
5 California, Central District.

6 MAGISTRATE JUDGE MCCARTHY: The individual
7 Defendants are in California, correct?

8 MR. GREEN: That is correct, your Honor.

9 MAGISTRATE JUDGE MCCARTHY: When they were
10 working for Moog, were they in California?

11 MR. GREEN: Yes, they were.

12 MAGISTRATE JUDGE MCCARTHY: So, we now have
13 a criminal investigation in California that may or may
14 not result in criminal charges, and we have a civil case
15 in New York, as to which motions are pending before
16 Judge Vilardo for either dismissal for lack of
17 jurisdiction or for transfer of venue. In light of the
18 criminal developments, does anybody intend to supplement
19 those motions and bring this information to Judge
20 Vilardo's attention? Because, frankly, and I have not
21 studied those issues, but if we stay in New York on the
22 civil case and we've got a criminal investigation in
23 California, that may or may not result in criminal
24 charges. If it does, I presume those charges are going
25 to be brought in California. I'm just wondering in

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2 terms of judicial efficiency, what is the best way to
3 proceed. Those motions are not before me, but it seems
4 to me somebody may want to bring these developments to
5 Judge Vilardo's attention. If anybody wants to react to
6 that, you're welcome to, or, if you chose not to, that
7 is your prerogative as well.

8 MR. GROSS: Your Honor, this is Mr. Gross
9 for Skyryse. And I appreciate you bringing up the
10 issue. It's a little sensitive. We understand the
11 confidentiality concerns around any government
12 investigation, which Skyryse, of course, respects. It
13 is our understanding that an investigation by the
14 Government in the Central District of California, if it
15 were to lead to charges, would be to charges there. And
16 we think it's important the Court, and you obviously
17 understand, that there are these other proceedings
18 pending in that jurisdiction. So, we would like a
19 little time to think about if and when and whether to
20 formally raise the issue with Judge Vilardo. I know
21 that the two proceedings, while they have some factual
22 overlap, are not technically related, but we appreciate
23 the time to think about it.

24 MAGISTRATE JUDGE MCCARTHY: How can they not
25 be related?